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13
14 UNITED STATES DISTRICT COURT
15
16 CENTRAL DISTRICT OF CALIFORNIA

17
18 SUSAN NICHOLSON HOFHEINZ, an
19 Individual,

20 Plaintiff,

21 v.

22 CAFE PRESS, INC., a California
23 corporation, et al.,

24 Defendants.

25 Case No. CV12-09306 DSF (MANx)

26 **NOTICE OF RELATED CASES**

27 Judge: Dale S. Fischer
28 Magistrate: Margaret A. Nagle

29 Plaintiff Hofheinz has filed three complaints in the United States District
30 Court, Central District of California which are sufficiently related to be transferred
31 to the same judge pursuant to Local Rule 83-1.3. The cases are:

- 32 1. Hofheinz v. Café Press, Inc., et al. (Case No. CV12-09306)
- 33 2. Hofheinz v. Everett Collection, Inc., et al. (Case No. CV12-09310)
- 34 3. Hofheinz v. Stein, et al. (Case No. CV12-09312)

35 A copy of each complaint is attached to the declaration of Kollin J. Zimmermann,
36 filed concurrently. (Zimmermann Decl., Exhs. A, B, and C.)

37 Local Rule 83-1.3.1 outlines four factors to be considered in determining
38 whether to deem cases related:

39 If the cases appear:

- (a) To arise from the same or a closely related transaction, happening or event; or
- (b) To call for determination of the same or substantially related or similar questions of law and fact; or
- (c) For other reasons would entail substantial duplication of labor if heard by different judges; or
- (d) To involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c is present.

An examination of the complaints reveals that the factual allegations and the legal issues are extremely similar, if not identical, in each case. And the three cases involve the same trademarks and copyrights. The following is an outline of the key points in each complaint:

1. Hofheinz v. Café Press, Inc.

a. Defendants:

- 1) Café Press, Inc.
- 2) Metaverse Corporation
- 3) Zazzle, Inc.
- 4) SpreadShirt, Inc.
- 5) Ames Bros, Inc.
- 6) Amazon.com, Inc.

b. Claims:

- 1) Copyright Infringement
- 2) Vicarious and/or Contributory Copyright Infringement
- 3) Violations of Lanham Act (15 USC 1125)
- 4) State Trade Dress Infringement
- 5) State Trademark Infringement
- 6) State Unfair Competition

c. IP Allegedly Infringed:

1) "Marketing materials" for the following films:

1. Invasion of the Saucer-Men
2. I was a Teenage Frankenstein
3. I was a Teenage werewolf
4. It Conquered the World
5. The Amazing Colossal Man
6. Terror from the Year 5000

1 **2. Hofheinz v. Everett Collection, Inc.**

2 **a. Defendants:**

3 1) Everett Collection, Inc.
4 2) Library Images
5 3) Melany Shapiro
6 4) Penny Silver
7 5) Chic on a Budget
8 6) MG Photo
9 7) Pop Culture Graphics, Inc.
10 8) Poster Revolution
11 9) Red Tag, Inc.
12 10) Poster Junction
13 11) Icon Media Holdings, LLC
14 12) CSS Industries, Inc.
15 13) Punt Dog Posters
16 14) Wild Bill's Nostalgia
17 15) Ch Artwork
18 16) Fine Art America
19 17) Media Storehouse US
20 18) The Granger Collection, LTD.
21 19) Amazon.com, Inc.

22 **b. Claims:**

23 1) Copyright Infringement
24 2) Vicarious and/or Contributory Copyright Infringement
25 3) Violations of Lanham Act (15 USC 1125)
26 4) State Trade Dress Infringement
27 5) State Trademark Infringement
28 6) State Unfair Competition

29 **c. IP Allegedly Infringed:**

30 1) “Marketing materials” for the following films:
31 1. Invasion of the Saucer-Men
32 2. I was a Teenage Frankenstein
33 3. I was a Teenage werewolf
34 4. It Conquered the World
35 5. The Amazing Colossal Man
36 6. Terror from the Year 5000

37 **3. Hofheinz v. Stein**

38 **a. Defendants:**

39 1) Harlene Stein (DBA Perma Productions)
40 2) Amazon.com, Inc.

b. Claims (against all defendants):

- 1) Copyright Infringement
- 2) Vicarious and/or Contributory Copyright Infringement
- 3) Violations of Lanham Act (15 USC 1125)
- 4) State Trade Dress Infringement
- 5) State Trademark Infringement
- 6) State Unfair Competition

c. IP Allegedly Infringed:

- 1) The music, lyrics, and songs of the films *Invasion of the Saucer-Men* and *It Conquered the World*.
- 2) “Marketing materials” for these two films.

Proceeding with these cases would force Amazon.com to defend itself against essentially the same factual and legal allegations in three separate lawsuits before three separate judges. This would not only be an inefficient use of judicial resources, but it would also create the potential for variance in judicial rulings.

Amazon.com respectfully requests that these three cases be deemed related, so they can be transferred and heard before one judge.

Dated: January 16, 2013

ROPER, MAJESKI, KOHN & BENTLEY

By:/s/ *Kollin J. Zimmermann*

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